

Notice of Allowability

Application No.

10/750,877

Applicant(s)

PINCU ET AL.

Examiner

Art Unit

Steven R. Garland

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/5/04, 6/1/04, 9/29/05.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/1/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kahn on 11/10/05.

The application has been amended as follows:

Claim 1, lines 10-11, change "DC electrical power and consuming and providing entity " to -- Ethernet switch node--.

Claim 4, line 3, delete " at least one".

Claim 10, line 2, change "802.af" to -- 802.3af--.

Claim 11, line 11, change "DC electrical power and consuming and providing entity " to -- Ethernet switch node--.

Claim 12, lines 2-3, "each of said plurality of DC electrical power consuming and providing entities " to -- the Ethernet switch node--.

Claim 14, lines 1-2, delete " at least one".

Claim 19, line 2, change "the" to --a--.

2. The drawings filed January 5, 2004 are accepted.

3. A new oath or declaration is required because the priority claim based on the provisional and international application is incorrect as explained below. The wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the

required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

It appears applicant intends to claim priority under 35 U.S.C. 119(e) on the basis of the provisional application 60/418,599 and under 35 U.S.C. 120 and 365(c) on the basis of the international application. See the amended paragraph submitted in the preliminary amendment submitted 9/29/05.

First the declaration however claims both priority under 35 U.S.C. 119(e) and 35 U.S.C. 120 on the basis of the provisional application 60/418,599 and it should only be under 35 U.S.C. 119(e).

Secondly the priority claim on the basis of the international application PCT/IL03/00832 should be made under 35 U.S.C. 120 and 365(c) not 35 U.S.C. 119 or 365(a).

4. The following is an examiner's statement of reasons for allowance: Le Creff et al. 2003/0072438 , Lehr et al. 6,909,943 , Keyghobad et al. 6,640,308 , and McCormack et al. 6,535,983 are of interest in power supply over the Ethernet and are the closest art of record along with Kanbara et al. 2003/0078797 which is of interest in power sharing.

The prior art however fails to teach or suggest in regards to claims 11-19, the method of DC power pooling for an Ethernet switch node comprising providing a DC electrical power connection to the DC power source and the electrical load, thereby

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permitting external power to flow to and from the Ethernet switch node; wherein the Ethernet switch node having power over Ethernet functionality has at least a first operative mode in which it may provide more electrical power than it consumes and a second operative mode in which it may consume more electrical power than it provides.

The prior art however fails to teach or suggest in regards to claims 1-10, an Ethernet switch node comprising a DC electrical power connection to the DC power source and the electrical load, thereby permitting external power to flow to and from the Ethernet switch node; wherein the Ethernet switch node having power over Ethernet functionality has at least a first operative mode in which it may provide more electrical power than is consumed by the electrical load and a second operative mode in which the electrical load may consume more electrical power than is provided by the DC power source.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SR

Steven R Garland
Examiner
Art Unit 2125

11/10/05



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100